

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Dameron Jones whose telephone number is (703) 308-4840 and fax number is (703) 872-9306 on June 9, 2003.

Rhonda A. Etienne 6/9/03  
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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Achilefu et al.  
Serial No.: 09/981,206  
Filed: October 17, 2001  
Group Art Unit: 1616  
Confirmation No.: 5790  
Examiner: Jones, Dameron  
Title: **CARBOCYANINE DYES FOR TANDEM, PHOTODIAGNOSTIC AND THERAPEUTIC APPLICATIONS**  
Our Ref. No.: MRD-74

Cincinnati, OH 45202

June 9, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUPPLEMENTAL ELECTION**

In response to the Office Action mailed May 20, 2003 in the above-referenced application, applicants elect with traverse Group 1 (claims 1-22), drawn to compounds of Formula 3 and uses thereof wherein  $W_1$  and  $W_2$  are  $-CR^{10}R^{11}$ ;  $Y_1$ ,  $Y_2$ ,  $Z_1$ , and  $Z_2$  are  $-(CH_2)_6-CONH-Bm$ ;  $X_1$  and  $X_2$  are nitrogen;  $Q$  is  $-O-$ ;  $K_1$  and  $K_2$  are  $-CH_2$ ;  $R_1$  to  $R_9$  are hydrogen;  $R_{10}$  and  $R_{11}$  are  $-C(CH_3)_2$ ;  $A_1$  is a single bond; and  $A_1$ ,  $B_1$ ,  $C_1$ , and  $D_1$ , form a six membered carbocyclic ring.

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

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Attention: Dameron Jones  
Art Unit 1616

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Pages (including cover page): 3

Re: U.S. Serial No. 09/981,206 CARBOCYANINE DYES FOR TANDEM,  
PHOTODIAGNOSTIC AND THERAPEUTIC APPLICATIONS

**OFFICIAL**

ATTACHMENTS/COMMENTS: **OFFICIAL**

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*Rhonda A. Steine*

June 9, 2003

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